

STATE OF ILLINOIS)
)
COUNTY OF DU PAGE)

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE
COMMISSION
MAR 14 2 23 PM '02
TRANSPORTATION DIV.

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for an on behalf
of the People of the State of Illinois,

- Petitioner

vs.

Parcel No. 1980563PE

CHICAGO CENTRAL & PACIFIC RAILROAD
COMPANY, a Delaware corporation f/k/a
CHICAGO, MADISON AND NORTHERN
RAILROAD COMPANY; GENERAL ELECTRIC
CREDIT COMPANY; ILLINOIS CENTRAL
RAILROAD COMPANY f/k/a ILLINOIS
CENTRAL GULF RAILROAD COMPANY; and

Case No. *702-0022*

UNKNOWN OWNERS

- Respondents

Petition for approval of the taking or damaging
of certain properties owned by a public utility in
Cook County, Illinois by exercising the right of
eminent domain

PETITION FOR APPROVAL TO TAKE PROPERTY

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, a
Department of the State Government of Illinois, by JAMES E. RYAN, Attorney General of the State
of Illinois, and Douglas G. Felder, Special Assistant Attorney General, pursuant to Section 102 of

DOCKETED

the Eminent Domain Act of Illinois (735 ILCS 5/7-102), requests approval of the Illinois Commerce Commission for the taking and/or damaging of certain properties owned by the Chicago Central & Pacific Railroad Company, a Delaware corporation, f/k/a the Chicago, Madison and Northern Railroad Company (the "Utility"), a public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION.

1. Under Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101; 5/2-220; and, §§5/4-101 through 5/4-512, 2000), Petitioner is engaged in a project to widen, reconstruct, and improve FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County.

2. Under the Illinois Highway Code, FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County is a part of and included in the State Highway System.

3. Section 4-501 of the said Illinois Highway Code (605 ILCS 5/4-501, 2000) provides:

"The Department, in its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond."

4. The project to widen and improve FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County constitutes a public purpose, namely construction and improvement of the roadway, structures and intersections at or adjacent to FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County.

5. The Utility is subject to the jurisdiction of the Commission.

6. The Utility is title holder to certain real property, said property being located in Cook County, the legal description of which is attached hereto and marked as Exhibit A. This real property is located at or adjacent to FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County and the Petitioner has deemed it necessary to improve the structures and intersections at FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County, and improve vehicular traffic and safety of the motoring public. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit B attached hereto.

7. Petitioner has been authorized to acquire a perpetual easement for public highway purposes together with the right to permit others to use or operate, install, maintain, alter, repair, replace, renew, improve and remove other facilities and structures including but not limited to, underground communication lines, fiber optics, wire, or other means of electricity, voice data, video, digitized information, pipes and conduits, upon and beneath the surface of the said premises, and overhead wires, cables, and poles or other structures for the support of such facilities and structures to Parcel No. 1980563 , the legal description is set forth in Exhibit A, which Exhibit is attached hereto and incorporated by reference, and it is necessary for Petitioner to acquire said property for the above-described highway construction and improvement of the structures at FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County for the use of the People of the State of Illinois.

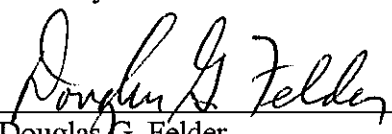
8. The terms of the compensation to be paid by the Petitioner for the property hereinafter described cannot be agreed upon between the Petitioner and the Utility although Petitioner has attempted to effect such an agreement. Petitioner, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.

9. Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Commission prior to the taking or damaging of the Utility's property described in Exhibit A.

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, requests the Commission to approve the taking or damaging of the above described real property of the Utility by the exercise of the right of eminent domain.

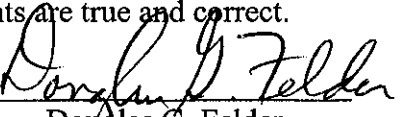
THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and
on behalf of the People of the State of Illinois

By: JAMES E. RYAN
Attorney General of Illinois

By: 
Douglas G. Felder
Special Assistant Attorney General

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

I, Douglas G. Felder, being first duly sworn, upon oath, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, I have knowledge of the contents thereof, and that on information and belief said contents are true and correct.


Douglas G. Felder
Special Assistant Attorney General

SUBSCRIBED and SWORN
to before me this 11th day of
March, 2002.

Notary Public

AFFIDAVIT OF SERVICE

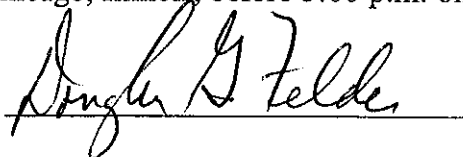
I, Douglas G. Felder, an attorney, certify that I served the foregoing Petition upon the following addresses at their respective addresses set forth:

VIA CERTIFIED MAIL AND U.S. MAIL

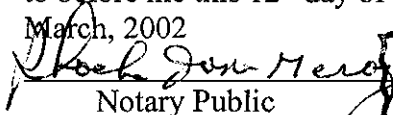
Illinois Commerce Commission
527 East Capital
Springfield, Illinois 62708 (original and three copies)

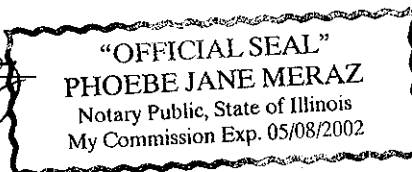
Thomas Zeinz
Chicago Central & Pacific Railroad Company
c/o Illinois Central Railroad Company
17641 South Ashland Avenue
Homewood, IL 60430

by enclosing a copy of said Petition, together with Exhibits A and B to said Petition, in an envelope correctly addressed with sufficient first class postage affixed thereto, sealed and deposited said envelopes in the U.S. Mail Chute at 20 South Clark Street, Chicago, Illinois, before 5:00 p.m. on the 12th day of March, 2002



SUBSCRIBED and SWORN
to before me this 12th day of
March, 2002


Notary Public



Douglas G. Felder
Douglas G. Felder, P.C.
Special Assistant Attorney General
20 South Clark Street
Suite 2000
Chicago, Illinois 60603
312/634-3509

Owner: Chicago Central & Pacific Railroad
Company, a Delaware Corporation

Route: FAP 307 (IL 64)

Section: IL 53 to Villa Avenue

County: DuPage

Job No.: R-91-008-91

Parcel: 1980563 PE

PIN: 06-04-508-001, 06-04-508-002

Station:

That part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 4, Township 39 North, Range 11 East of the Third Principal Meridian, described as follows:

Commencing at the intersection of a line 50.00 feet west of and parallel with the east line of said Northwest $\frac{1}{4}$ of Section 4 and a line 25.00 feet southwest of and parallel with the centerline of the main track of the Chicago Central & Pacific Railroad; thence on an assumed bearing of North 1 degree 10 minutes 09 seconds East along said line 50.00 feet west of and parallel with the east line of said Northwest $\frac{1}{4}$ of Section 4, said line being the west line of an existing permanent easement described as Parcel No. 0001PE-A on Document No. R84-72155 recorded September 7, 1984, 36.76 feet to the point of beginning; thence North 44 degrees 51 minutes 58 seconds West, 52.58 feet; thence South 88 degrees 13 minutes 51 seconds West, 67.49 feet; thence North 71 degrees 24 minutes 05 seconds West along a line that is 10.07 feet northeast of and parallel with the centerline of the main track of the Chicago Central & Pacific Railroad, 55.00 feet to a point on the existing south line of North Avenue (Illinois Route 64); thence North 88 degrees 16 minutes 02 seconds East along the south line of North Avenue (Illinois Route 64), 142.93 feet to the northwest corner of the aforesaid existing permanent easement; thence South 45 degrees 14 minutes 36 seconds East along the west line of said permanent easement, 20.68 feet; thence South 1 degree 10 minutes 09 seconds West along the west line of said permanent easement, 42.49 feet to the point of beginning, in DuPage County, Illinois.

Said parcel contains 0.072 acres, more or less.

RECEIVED
OCT 05 2001
PLATS & LEGALS

EXHIBIT "A"

EASMENT TABLE		
CONVEYOR	STANDARD	OFFSET
Q1	186+15.10	60.00' LT
P1	167+20.10	60.00' LT
Q2	166+55.95	55.00' LT
P2	166+125.95	55.12' LT
Q3	172+40.72	176.04' RT
P3	171+80.61	131.94' RT

Project	Year	Yield	Days	Plant Description
Blackberry	11	12	44.37	Widely range of leaves shape
Blackberry	12	14	23.35	Widely range of leaves shape
Blackberry	14	16	30.38	Widely range of leaves shape
Blackberry	15	18	25.37	Widely range of leaves shape
Blackberry	16	19	27.37	Widely range of leaves shape
Blackberry	17	20	24.38	Widely range of leaves shape
Blackberry	18	21	25.38	Widely range of leaves shape
Blackberry	19	22	26.39	Widely range of leaves shape
Blackberry	23	24	27.40	Widely range of leaves shape
Blackberry	25	26	28.41	Widely range of leaves shape
Blackberry	27	28	29.42	Widely range of leaves shape
Blackberry	29	30	30.43	Widely range of leaves shape
Blackberry	31	32	31.44	Widely range of leaves shape
Blackberry	33	34	32.45	Widely range of leaves shape
Blackberry	35	36	33.46	Widely range of leaves shape
Blackberry	37	38	34.47	Widely range of leaves shape
Blackberry	39	40	35.48	Widely range of leaves shape
Blackberry	41	42	36.49	Widely range of leaves shape
Blackberry	43	44	37.50	Widely range of leaves shape
Blackberry	45	46	38.51	Widely range of leaves shape
Blackberry	47	48	39.52	Widely range of leaves shape
Blackberry	49	50	40.53	Widely range of leaves shape
Blackberry	51	52	41.54	Widely range of leaves shape
Blackberry	53	54	42.55	Widely range of leaves shape
Blackberry	55	56	43.56	Widely range of leaves shape
Blackberry	57	58	44.57	Widely range of leaves shape
Blackberry	59	60	45.58	Widely range of leaves shape
Blackberry	61	62	46.59	Widely range of leaves shape
Blackberry	63	64	47.60	Widely range of leaves shape
Blackberry	65	66	48.61	Widely range of leaves shape
Blackberry	67	68	49.62	Widely range of leaves shape
Blackberry	69	70	50.63	Widely range of leaves shape
Blackberry	71	72	51.64	Widely range of leaves shape
Blackberry	73	74	52.65	Widely range of leaves shape
Blackberry	75	76	53.66	Widely range of leaves shape
Blackberry	77	78	54.67	Widely range of leaves shape
Blackberry	79	80	55.68	Widely range of leaves shape
Blackberry	81	82	56.69	Widely range of leaves shape
Blackberry	83	84	57.70	Widely range of leaves shape
Blackberry	85	86	58.71	Widely range of leaves shape
Blackberry	87	88	59.72	Widely range of leaves shape
Blackberry	89	90	60.73	Widely range of leaves shape
Blackberry	91	92	61.74	Widely range of leaves shape
Blackberry	93	94	62.75	Widely range of leaves shape
Blackberry	95	96	63.76	Widely range of leaves shape
Blackberry	97	98	64.77	Widely range of leaves shape
Blackberry	99	100	65.78	Widely range of leaves shape
Blackberry	101	102	66.79	Widely range of leaves shape
Blackberry	103	104	67.80	Widely range of leaves shape
Blackberry	105	106	68.81	Widely range of leaves shape
Blackberry	107	108	69.82	Widely range of leaves shape
Blackberry	109	110	70.83	Widely range of leaves shape
Blackberry	111	112	71.84	Widely range of leaves shape
Blackberry	113	114	72.85	Widely range of leaves shape
Blackberry	115	116	73.86	Widely range of leaves shape
Blackberry	117	118	74.87	Widely range of leaves shape
Blackberry	119	120	75.88	Widely range of leaves shape
Blackberry	121	122	76.89	Widely range of leaves shape
Blackberry	123	124	77.90	Widely range of leaves shape
Blackberry	125	126	78.91	Widely range of leaves shape
Blackberry	127	128	79.92	Widely range of leaves shape
Blackberry	129	130	80.93	Widely range of leaves shape
Blackberry	131	132	81.94	Widely range of leaves shape
Blackberry	133	134	82.95	Widely range of leaves shape
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Blackberry	137	138	84.97	Widely range of leaves shape
Blackberry	139	140	85.98	Widely range of leaves shape
Blackberry	141	142	86.99	Widely range of leaves shape
Blackberry	143	144	87.00	Widely range of leaves shape
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Blackberry	147	148	89.02	Widely range of leaves shape
Blackberry	149	150	90.03	Widely range of leaves shape
Blackberry	151	152	91.04	Widely range of leaves shape
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Blackberry	155	156	93.06	Widely range of leaves shape
Blackberry	157	158	94.07	Widely range of leaves shape
Blackberry	159	160	95.08	Widely range of leaves shape
Blackberry	161	162	96.09	Widely range of leaves shape
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Blackberry	211	212	121.34	Widely range of leaves shape
Blackberry	213	214	122.35	Widely range of leaves shape
Blackberry	215	216	123.36	Widely range of leaves shape
Blackberry	217	218	124.37	Widely range of leaves shape
Blackberry	219	220	125.38	Widely range of leaves shape
Blackberry	221	222	126.39	Widely range of leaves shape
Blackberry	223	224	127.40	Widely range of leaves shape
Blackberry	225	226	128.41	Widely range of leaves shape
Blackberry	227	228	129.42	Widely range of leaves shape
Blackberry	229	230	130.43	Widely range of leaves shape
Blackberry	231	232	131.44	Widely range of leaves shape
Blackberry	233	234	132.45	Widely range of leaves shape
Blackberry	235	236	133.46	Widely range of leaves shape
Blackberry	237	238	134.47	Widely range of leaves shape
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Blackberry	241	242	136.49	Widely range of leaves shape
Blackberry	243	244	137.50	Widely range of leaves shape
Blackberry	245	246	138.51	Widely range of leaves shape
Blackberry	247	248	139.52	Widely range of leaves shape
Blackberry	249	250	140.53	Widely range of leaves shape
Blackberry	251	252	141.54	Widely range of leaves shape
Blackberry	253	254	142.55	Widely range of leaves shape
Blackberry	255	256	143.56	Widely range of leaves shape
Blackberry	257	258	144.57	Widely range of leaves shape
Blackberry	259	260	145.58	Widely range of leaves shape
Blackberry	261	262	146.59	Widely range of leaves shape
Blackberry	263	264	147.60	Widely range of leaves shape
Blackberry	265	266	148.61	Widely range of leaves shape
Blackberry	267	268	149.62	Widely range of leaves shape
Blackberry	269	270	150.63	Widely range of leaves shape
Blackberry	271	272	151.64	Widely range of leaves shape
Blackberry	273	274	152.65	Widely range of leaves shape
Blackberry	275	276	153.66	Widely range of leaves shape
Blackberry	277	278	154.67	Widely range of leaves shape
Blackberry	279	280	155.68	Widely range of leaves shape
Blackberry	281	282	156.69	Widely range of leaves shape
Blackberry	283	284	157.70	Widely range of leaves shape
Blackberry	285	286	158.71	Widely range of leaves shape
Blackberry	287	288	159.72	Widely range of leaves shape
Blackberry	289	290	160.73	Widely range of leaves shape
Blackberry	291	292	161.74	Widely range of leaves shape
Blackberry	293	294	162.75	Widely range of leaves shape
Blackberry	295	296	163.76	Widely range of leaves shape
Blackberry	297	298	164.77	Widely range of leaves shape
Blackberry	299	300	165.78	Widely range of leaves shape
Blackberry	301	302	166.79	Widely range of leaves shape
Blackberry	303	304	167.80	Widely range of leaves shape
Blackberry	305	306	168.81	Widely range of leaves shape
Blackberry	307	308	169.82	Widely range of leaves shape
Blackberry	309	310	170.83	Widely range of leaves shape
Blackberry	311	312	171.84	Widely range of leaves shape
Blackberry	313	314	172.85	Widely range of leaves shape
Blackberry	315	316	173.86	Widely range of leaves shape
Blackberry	317	318	174.87	Widely range of leaves shape
Blackberry	319	320	175.88	Widely range of leaves shape
Blackberry	321	322	176.89	Widely range of leaves shape
Blackberry	323	324	177.90	Widely range of leaves shape
Blackberry	325	326	178.91	Widely range of leaves shape
Blackberry	327	328	179.92	Widely range of leaves shape
Blackberry	329	330	180.93	Widely range of leaves shape
Blackberry	331	332	181.94	Widely range of leaves shape
Blackberry	333	334	182.95	Widely range of leaves shape
Blackberry	335	336	183.96	Widely range of leaves shape
Blackberry	337	338	184.97	Widely range of leaves shape
Blackberry	339	340	185.98	Widely range of leaves shape
Blackberry	341	342	186.99	Widely range of leaves shape
Blackberry	343	344	187.00	Widely range of leaves shape
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Blackberry	349	350	190.03	Widely range of leaves shape
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Blackberry	375	376	203.16	Widely range of leaves shape
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Blackberry	381	382	206.19	Widely range of leaves shape
Blackberry	383	384	207.20	Widely range of leaves shape
Blackberry	385	386	208.21	Widely range of leaves shape
Blackberry	387	388	209.22	Widely range of leaves shape
Blackberry	389	390	210.23	Widely range of leaves shape
Blackberry	391	392	211.24	Widely range of leaves shape
Blackberry	393	394	212.25	Widely range of leaves shape
Blackberry	395	396	213.26	Widely range of leaves shape
Blackberry	397	398	214.27	Widely range of leaves shape
Blackberry	399	400	215.28	Widely range of leaves shape
Blackberry	401	402	216.29	Widely range of leaves shape
Blackberry	403	404	217.30	Widely range of leaves shape
Blackberry	405	406	218.31	Widely range of leaves shape
Blackberry	407	408	219.32	Widely range of leaves shape
Blackberry	409	410	220.33	Widely range of leaves shape
Blackberry	411	412	221.34	Widely range of leaves shape
Blackberry	413	414	222.35	Widely range of leaves shape
Blackberry	415	416	223.36	Widely range of leaves shape
Blackberry	417	418	224.37	Widely range of leaves shape
Blackberry	419	420	225.38	Widely range of leaves shape
Blackberry	421	422	226.39	Widely range of leaves shape
Blackberry	423	424	227.40	Widely range of leaves shape
Blackberry	425	426	228.41	Widely range of leaves shape
Blackberry	427	428	229.42	Widely range of leaves shape
Blackberry	429	430	230.43	Widely range of leaves shape
Blackberry	431	432	231.44	Widely range of leaves shape
Blackberry	433	434	232.45	Widely range of leaves shape
Blackberry	435	436	233.46	Widely range of leaves shape
Blackberry	437	438	234.47	Widely range of leaves shape
Blackberry	439	440	235.48	Widely range of leaves shape
Blackberry	441	442	236.49	Widely range of leaves shape
Blackberry	443	444	237.50	Widely range of leaves shape
Blackberry	445	446	238.51	Widely range of leaves shape
Blackberry	447	448	239.52	Widely range of leaves shape
Blackberry	449	450	240.53	Widely range of leaves shape
Blackberry	451	452	241.54	Widely range of leaves shape
Blackberry	453	454	242.55	Widely range of leaves shape
Blackberry	455	456	243.56	Widely range of leaves shape
Blackberry	457	458	244.57	Widely range of leaves shape
Blackberry	459	460	245.58	Widely range of leaves shape
Blackberry	461	462	246.59	Widely range of leaves shape
Blackberry	463	464	247.60	Widely range of leaves shape
Blackberry	465	466	248.61	Widely range of leaves shape
Blackberry	467	468	249.62	Widely range of leaves shape
Blackberry	469	470	250.63	Widely range of leaves shape
Blackberry	471	472	251.64	Widely range of leaves shape
Blackberry	473	474	252.65	Widely range of leaves shape
Blackberry	475	476	253.66	Widely range of leaves shape
Blackberry	477	478	254.67	Widely range of leaves shape
Blackberry	479	480	255.68	Widely range of leaves shape
Blackberry	481	482	256.69	Widely range of leaves shape
Blackberry	483	484	257.70	Widely range of leaves shape
Blackberry	485	486	258.71	Widely range of leaves shape
Blackberry	487	488	259.72	Widely range of leaves shape
Blackberry	489	490	260.73	Widely range of leaves shape
Blackberry	491	492	261.74	Widely range of leaves shape
Blackberry	493	494	262.75	Widely range of leaves shape
Blackberry	495	496	263.76	Widely range of leaves shape
Blackberry	497	498	264.77	Widely range of leaves shape
Blackberry	499	500	265.78	Widely range of leaves shape
Blackberry	501	502	266.79	Widely range of leaves shape
Blackberry	503	504	267.80	Widely range of leaves shape
Blackberry	505	506	268.81	Widely range of leaves shape
Blackberry	507	5		

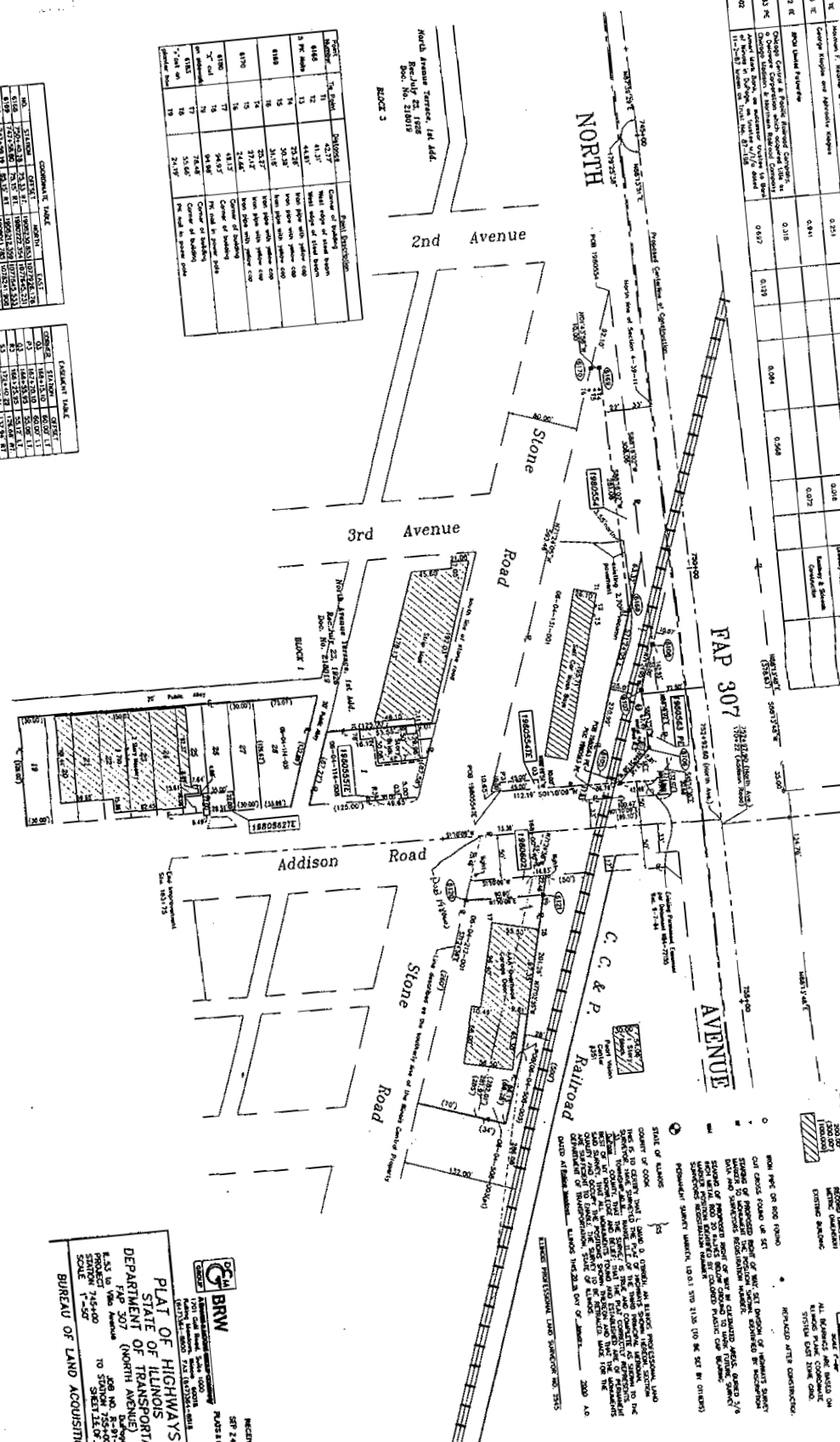
[illegible]

EXHIBIT "B"